

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEREMY RODRIGUEZ-ORTEGA, and
JOSHUA RODRIGUEZ,

Plaintiffs,

v.

No. 1:21-cv-01129-JCH-KK

DAVID RICH, KENNETH LUCERO,
in their official and individual capacities,
L. TERESA PADILLA, in her individual capacity,
and NEW MEXICO DEPARTMENT OF HEALTH,

Defendants.

**PLAINTIFF JEREMY RODRIGUEZ-ORTEGA'S RESPONSES TO DEFENDANT L.
TERESA PADILLA'S FIRST SET OF INTERROGATORIES AND FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

INTERROGATORIES

INTERROGATORY NO. 1: Please provide the names, addresses and telephone numbers of all persons who assisted in answering this set of Interrogatories and identify the specific Interrogatories that each person assisted in answering.

ANSWER: Plaintiff Objects as this requests information protected by Attorney Client Privilege.

INTERROGATORY NO. 2: Please identify each person who has knowledge of your FMLA applications with the New Mexico Department of Health. Include in your answer their name, address, telephone number, relationship to you, the extent of each person's knowledge, what communications you had with each, and if the person is or has ever been an employee of DOH.

ANSWER: Mr. Rodriguez-Ortega objects to this interrogatory as not relevant to the due process claims against LTP which is related only to the SPO process. It is improper for Defendant Padilla to use the extension of discovery to seek discovery for the other defendants which is outside of their own limitations.

INTERROGATORY NO. 16: Please identify the witness in paragraph 220 of your Complaint.

ANSWER:

Mr. Rodriguez-Ortega objects to this interrogatory as not relevant to the due process claims against LTP which is related only to the SPO adjudicative process. It is improper for Defendant Padilla to use the extension of discovery to seek discovery for the other defendants which is outside of their own limitations.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: All documents (see above definition) which were utilized, referred to, or identified by you in answering Ms. Padilla's First Set of Interrogatories.

RESPONSE:

Plaintiff relied on no documents.

REQUEST NO. 2: All documents (see above definition) which you contemplate, or could reasonably contemplate, using as exhibits or otherwise at any hearing or trial in support of any claim or to refute any defense in this lawsuit.

RESPONSE: Plaintiff reserves the right to supplement this list.

1. Rodriguez-Ortega NFA dated July 22, 2020.
2. Rodriguez Ortega EAP 2018-2019
3. DOH's Disciplinary Action Policy
4. FMLA Application 2018
5. FMLA 2020 Application #2
6. FMLA 2020 Application #1
7. FMLA Leave Summary
8. Appellee's Response to RFP 8 & 9 - 4268864
9. Appellee's Response RFP 8 & 9 - 4259542
10. Appellant's timesheets
11. Email from David Rich to Appellant Dated June 30, 2020
12. Email from David Rich to Appellant Dated July 15, 2020.
13. SPB recommended decisions for Plaintiffs
14. Rodriguez NCA dated 04/28/20
15. Rodriguez NFA dated 05/19/19

16. Emails about Disability Discrimination violations
17. Email reporting discrimination 2nd RRFP 5.000494
18. Investigation interviews
19. NMDOH Disciplinary investigations
20. NMDOH Disciplinary records

REQUEST NO. 3: All documents (see above definition) referring to, discussing, or in any way relating to the allegations of retaliation as stated in your Complaint or that you believe are related to the above-captioned lawsuit.

RESPONSE:

Mr. Rodriguez-Ortega objects to this request as not relevant to the due process claims against LTP which is related only to the SPO process adjudication. It is improper for Defendant Padilla to use the extension of discovery to seek discovery for the other defendants which is outside of their own limitations.

REQUEST NO. 4: All documents (see above definition) which support, or provide evidence of, or relate to any of your claims for damages as alleged in your Complaint.

RESPONSE:

Mr. Rodriguez-Ortega objects to this request as not relevant to the due process claims against LTP which is related only to the SPO process adjudication. It is improper for Defendant Padilla to use the extension of discovery to seek discovery for the other defendants which is outside of their own limitations.

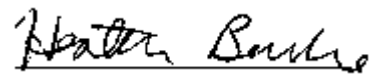
REQUEST NO. 5: Copies of your Federal and State income tax returns, including all schedules, W-2s and 1099s, from 2020 through the present.

the Authorization for Release of Confidential Mental Health Records, and the Authorization to Release Scholastic/Academic Records.

RESPONSE:

Plaintiff objects to these releases as overly broad and harassing. Plaintiff's medical condition, his education, his previous employment records are not relevant to the due process claims against Defendant Padilla or any of her defenses thereto.

Respectfully Submitted.

A handwritten signature in black ink, appearing to read "Heather Burke", written over a horizontal line.

Heather Burke
Attorney at Law
1000 Cordova Place #24
Santa Fe, NM 87505
(505) 428-9424
heather@hburkelaw.com